

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License
to Conduct Gambling Activities of:

Victoria Curtis
Spokane Valley, Washington,

Licensee.

) NO. CR 2011-00544

) **NOTICE OF ADMINISTRATIVE**
) **CHARGES AND OPPORTUNITY**
) **FOR AN ADJUDICATIVE**
) **PROCEEDING**
)

I.

The Washington State Gambling Commission issued Victoria Curtis license number 68-30352; authorizing Card Room Employee activity formerly with Cactus Jack's in Spokane. The license expires on January 9, 2012, and was issued subject to Ms. Curtis' compliance with state gambling laws and rules.

II.

Mark Harris, Assistant Director of the Washington State Gambling Commission, charges Victoria Curtis with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

1) On January 7, 2011, Victoria Curtis applied for a card room employee license. In the criminal history section of the application, she marked "yes" and attached a Defendant Case History report. The report listed, along with other criminal history, the following:

- 11/16/2006 – Forgery, Dismissed
- 10/16/2006 – Theft 3, Dismissed
- 10/16/2006 – Theft 2 (not Firearm), Dismissed

Ms. Curtis was issued a Card Room Employee license on January 9, 2011.

2) In April 2011, a Commission Special Agent (agent) received information that Ms. Curtis had a gambling related theft in her criminal history. The agent investigated Ms. Curtis criminal history and found the following:

- a) In 2006, a Commission Special Agent completed and submitted to Spokane Superior Court a case regarding the theft of pull-tab revenue at The Brass Faucet Bar and Grill. (CR 2006-01931) In October 2006, while working as bartenders at The Brass Faucet, Victoria Curtis and her sister altered Pull-Tab Monthly Income Summaries. As a result, they were able to conceal their theft of pull-tab revenue.

- b) In November 2006, Ms. Curtis was charged in Spokane Superior Court with Theft Second Degree and Forgery based her actions at The Brass Faucet as described in the agent's report.
 - c) On March 1, 2007, Ms. Curtis was charged in Spokane District Court with Theft Third Degree based on her actions at The Brass Faucet as described in the agent's report. On March 28, 2007, Ms. Curtis pled guilty to Theft Third Degree and received a twelve month deferred sentence, a suspended jail sentence, and a suspended \$5,000 fee.
 - d) On March 29, 2007, the Theft Second Degree and Forgery charges in Spokane Superior Court were dismissed because Ms. Curtis "entered a plea of guilty to a lesser charge based on the same set of facts in District Court."
 - e) On March 28, 2008, the Theft Third Degree charges were dismissed because Ms. Curtis "successfully completed the deferred prosecution treatment and all of the program requirements."
- 3) On or about May 17, 2011, a Commission Special Agent in the Spokane Field Office received a written statement from Dwight J. Bailey, distributor representative for Spokane Pull-Tab. Mr. Bailey's statement describes a conversation he had with Ms. Curtis in which she wanted Mr. Bailey to tell the owner of The Brass Faucet that she was able to get a gambling license.
- 4) Ms. Curtis disclosed on her application that her theft charges were dismissed. However, Commission staff was not aware that she had pled guilty to a theft involving a gambling activity, and only once she completed the deferred prosecution treatment were the charges then dismissed. As a result, Victoria Curtis received a gambling license through inadvertence.
- 5) While working as bartenders at The Brass Faucet, Ms. Curtis and her sister altered pull-tab records and wrongfully took pull-tab revenue. Ms. Curtis knowingly assisted and conspired with her sister to violate the laws of this state and the rules of the Commission.
- 6) Ms. Curtis' actions while working as a bartender at The Brass Faucet demonstrate that she pursued economic gain in a context which creates probable cause to believe that her participation in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state.
- 7) Victoria Curtis' actions at The Brass Faucet and her plea of guilty to a theft involving a gambling activity establish that she poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities.
- 8) Victoria Curtis has failed to establish by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1). Therefore, under RCW 9.46.075(1), (2), (3), (4), (8), (10) and WAC 230-03-085(1) and (8), grounds exist to revoke Victoria Curtis' license.

RCW 9.46.075 Denying, suspending, or revoking an application, license or permit

The commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsections apply.)

- (1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.
- (2) Knowingly causes, aids, abets, or conspires with another to cause, any person to violate any of the laws of this state or the rules of the commission.
- (3) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake.
- (4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude.
- (8) Fails to prove, by clear and convincing evidence, that she is qualified in accordance with the provisions of this chapter.
- (10) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain.

WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.
- (8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

RCW 9.46.153(1) Applicants and licensees-Responsibilities and duties

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be

